

(Pub. L. 109–295, title VI, §640, Oct. 4, 2006, 120 Stat. 1423.)

§ 728. Disclosure of certain information to law enforcement agencies

In the event of circumstances requiring an evacuation, sheltering, or mass relocation, the Administrator may disclose information in any individual assistance database of the Agency in accordance with section 552a(b) of title 5 (commonly referred to as the “Privacy Act”) to any law enforcement agency of the Federal Government or a State, local, or tribal government in order to identify illegal conduct or address public safety or security issues, including compliance with sex offender notification laws.

(Pub. L. 109–295, title VI, §640a, Oct. 4, 2006, 120 Stat. 1424.)

SUBCHAPTER II—COMPREHENSIVE
PREPAREDNESS SYSTEM

PART A—NATIONAL PREPAREDNESS SYSTEM

§ 741. Definitions

In this part:

(1) Capability

The term “capability” means the ability to provide the means to accomplish one or more tasks under specific conditions and to specific performance standards. A capability may be achieved with any combination of properly planned, organized, equipped, trained, and exercised personnel that achieves the intended outcome.

(2) Credentialed; credentialing

The terms “credentialed” and “credentialing” have the meanings given those terms in section 311 of this title.

(3) Hazard

The term “hazard” has the meaning given that term under section 5195a(a)(1) of title 42.

(4) Mission assignment

The term “mission assignment” means a work order issued to a Federal agency by the Agency, directing completion by that agency of a specified task and setting forth funding, other managerial controls, and guidance.

(5) National preparedness goal

The term “national preparedness goal” means the national preparedness goal established under section 743 of this title.

(6) National preparedness system

The term “national preparedness system” means the national preparedness system established under section 744 of this title.

(7) National training program

The term “national training program” means the national training program established under section 748(a) of this title.

(8) Operational readiness

The term “operational readiness” means the capability of an organization, an asset, a system, or equipment to perform the missions or functions for which it is organized or designed.

(9) Performance measure

The term “performance measure” means a quantitative or qualitative characteristic used to gauge the results of an outcome compared to its intended purpose.

(10) Performance metric

The term “performance metric” means a particular value or characteristic used to measure the outcome that is generally expressed in terms of a baseline and a target.

(11) Prevention

The term “prevention” means any activity undertaken to avoid, prevent, or stop a threatened or actual act of terrorism.

(12) Resources

The term “resources” has the meaning given that term in section 311 of this title.

(13) Type

The term “type” means a classification of resources that refers to the capability of a resource.

(14) Typed; typing

The terms “typed” and “typing” have the meanings given those terms in section 311 of this title.

(Pub. L. 109–295, title VI, §641, Oct. 4, 2006, 120 Stat. 1424; Pub. L. 110–53, title IV, §401(b), Aug. 3, 2007, 121 Stat. 302.)

AMENDMENTS

2007—Pars. (2) to (14). Pub. L. 110–53 added pars. (2) and (12) to (14) and redesignated former pars. (2) to (10) as (3) to (11), respectively.

§ 742. National preparedness

In order to prepare the Nation for all hazards, including natural disasters, acts of terrorism, and other man-made disasters, the President, consistent with the declaration of policy under section 5195 of title 42 and title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by this Act, shall develop a national preparedness goal and a national preparedness system.

(Pub. L. 109–295, title VI, §642, Oct. 4, 2006, 120 Stat. 1425.)

REFERENCES IN TEXT

The Homeland Security Act of 2002, referred to in text, is Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, as amended. Title V of the Act is classified generally to subchapter V (§311 et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

This Act, referred to in text, means title VI of Pub. L. 109–295, Oct. 4, 2006, 120 Stat. 1394, known as the Post-Katrina Emergency Management Reform Act of 2006. For complete classification of this Act to the Code, see Short Title and References in Pub. L. 109–295 notes set out under section 701 of this title and Tables.

§ 743. National preparedness goal

(a) Establishment

The President, acting through the Administrator, shall complete, revise, and update, as necessary, a national preparedness goal that de-

finest the target level of preparedness to ensure the Nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.

(b) National Incident Management System and National Response Plan

The national preparedness goal, to the greatest extent practicable, shall be consistent with the National Incident Management System and the National Response Plan.

(Pub. L. 109-295, title VI, §643, Oct. 4, 2006, 120 Stat. 1425.)

§ 744. Establishment of national preparedness system

(a) Establishment

The President, acting through the Administrator, shall develop a national preparedness system to enable the Nation to meet the national preparedness goal.

(b) Components

The national preparedness system shall include the following components:

- (1) Target capabilities and preparedness priorities.
- (2) Equipment and training standards.
- (3) Training and exercises.
- (4) Comprehensive assessment system.
- (5) Remedial action management program.
- (6) Federal response capability inventory.
- (7) Reporting requirements.
- (8) Federal preparedness.

(c) National planning scenarios

The national preparedness system may include national planning scenarios.

(Pub. L. 109-295, title VI, §644, Oct. 4, 2006, 120 Stat. 1425.)

§ 745. National planning scenarios

(a) In general

The Administrator, in coordination with the heads of appropriate Federal agencies and the National Advisory Council, may develop planning scenarios to reflect the relative risk requirements presented by all hazards, including natural disasters, acts of terrorism, and other man-made disasters, in order to provide the foundation for the flexible and adaptive development of target capabilities and the identification of target capability levels to meet the national preparedness goal.

(b) Development

In developing, revising, and replacing national planning scenarios, the Administrator shall ensure that the scenarios—

- (1) reflect the relative risk of all hazards and illustrate the potential scope, magnitude, and complexity of a broad range of representative hazards; and
- (2) provide the minimum number of representative scenarios necessary to identify and define the tasks and target capabilities required to respond to all hazards.

(Pub. L. 109-295, title VI, §645, Oct. 4, 2006, 120 Stat. 1425.)

§ 746. Target capabilities and preparedness priorities

(a) Establishment of guidelines on target capabilities

Not later than 180 days after October 4, 2006, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall complete, revise, and update, as necessary, guidelines to define risk-based target capabilities for Federal, State, local, and tribal government preparedness that will enable the Nation to prevent, respond to, recover from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

(b) Distribution of guidelines

The Administrator shall ensure that the guidelines are provided promptly to the appropriate committees of Congress and the States.

(c) Objectives

The Administrator shall ensure that the guidelines are specific, flexible, and measurable.

(d) Terrorism risk assessment

With respect to analyzing and assessing the risk of acts of terrorism, the Administrator shall consider—

- (1) the variables of threat, vulnerability, and consequences related to population (including transient commuting and tourist populations), areas of high population density, critical infrastructure, coastline, and international borders; and
- (2) the most current risk assessment available from the Chief Intelligence Officer of the Department of the threats of terrorism against the United States.

(e) Preparedness priorities

In establishing the guidelines under subsection (a), the Administrator shall establish preparedness priorities that appropriately balance the risk of all hazards, including natural disasters, acts of terrorism, and other man-made disasters, with the resources required to prevent, respond to, recover from, and mitigate against the hazards.

(f) Mutual aid agreements

The Administrator may provide support for the development of mutual aid agreements within States.

(Pub. L. 109-295, title VI, §646, Oct. 4, 2006, 120 Stat. 1426.)

§ 747. Equipment and training standards

(a) Equipment standards

(1) In general

The Administrator, in coordination with the heads of appropriate Federal agencies and the National Advisory Council, shall support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for the performance, use, and validation of equipment used by Federal, State, local, and tribal governments and nongovernmental emergency response providers.

(2) Requirements

The national voluntary consensus standards shall—

(A) be designed to achieve equipment and other capabilities consistent with the national preparedness goal, including the safety and health of emergency response providers;

(B) to the maximum extent practicable, be consistent with existing national voluntary consensus standards;

(C) take into account, as appropriate, threats that may not have been contemplated when the existing standards were developed; and

(D) focus on maximizing operability, interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety.

(b) Training standards

The Administrator shall—

(1) support the development, promulgation, and regular updating, as necessary, of national voluntary consensus standards for training; and

(2) ensure that the training provided under the national training program is consistent with the standards.

(c) Consultation with standards organizations

In carrying out this section, the Administrator shall consult with representatives of relevant public and private sector national voluntary consensus standards development organizations.

(Pub. L. 109-295, title VI, §647, Oct. 4, 2006, 120 Stat. 1426.)

§ 748. Training and exercises**(a) National training program****(1) In general**

Beginning not later than 180 days after October 4, 2006, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national training program to implement the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies.

(2) Training partners

In developing and implementing the national training program, the Administrator shall—

(A) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for emergency managers or emergency response providers; and

(B) utilize, as appropriate, training courses provided by community colleges, State and local public safety academies, State and private universities, and other facilities.

(b) National exercise program**(1) In general**

Beginning not later than 180 days after October 4, 2006, the Administrator, in coordination

with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national exercise program to test and evaluate the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies.

(2) Requirements

The national exercise program—

(A) shall be—

(i) as realistic as practicable, based on current risk assessments, including credible threats, vulnerabilities, and consequences, and designed to stress the national preparedness system;

(ii) designed, as practicable, to simulate the partial or complete incapacitation of a State, local, or tribal government;

(iii) carried out, as appropriate, with a minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

(iv) designed to provide for the systematic evaluation of readiness and enhance operational understanding of the incident command system and relevant mutual aid agreements;

(v) designed to address the unique requirements of populations with special needs, including the elderly; and

(vi) designed to promptly develop after-action reports and plans for quickly incorporating lessons learned into future operations; and

(B) shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use and provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises (whether a model exercise program or an exercise designed locally) that—

(i) conform to the requirements under subparagraph (A);

(ii) are consistent with any applicable State, local, or tribal strategy or plan; and

(iii) provide for systematic evaluation of readiness.

(3) National level exercises

The Administrator shall periodically, but not less than biennially, perform national exercises for the following purposes:

(A) To test and evaluate the capability of Federal, State, local, and tribal governments to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.

(B) To test and evaluate the readiness of Federal, State, local, and tribal governments to respond and recover in a coordinated and unified manner to catastrophic incidents.

(Pub. L. 109-295, title VI, §648, Oct. 4, 2006, 120 Stat. 1427; Pub. L. 110-53, title IV, §§402, 403, Aug. 3, 2007, 121 Stat. 302, 303.)

AMENDMENTS

2007—Subsec. (b)(2)(A)(iv) to (vi). Pub. L. 110–53, § 402, added cls. (iv) to (vi) and struck out former cls. (iv) and (v) which read as follows:

“(iv) designed to provide for systematic evaluation of readiness; and

“(v) designed to address the unique requirements of populations with special needs; and”.

Subsec. (b)(2)(B). Pub. L. 110–53, § 403, in introductory provisions, substituted “shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use and provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises (whether a model exercise program or an exercise designed locally)” for “shall provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises”.

§ 749. Comprehensive assessment system

(a) Establishment

The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a comprehensive system to assess, on an ongoing basis, the Nation’s prevention capabilities and overall preparedness, including operational readiness.

(b) Performance metrics and measures

The Administrator shall ensure that each component of the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies, and the reports required under section 752 of this title is developed, revised, and updated with clear and quantifiable performance metrics, measures, and outcomes.

(c) Contents

The assessment system established under subsection (a) shall assess—

(1) compliance with the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies;

(2) capability levels at the time of assessment against target capability levels defined pursuant to the guidelines established under section 746(a) of this title;

(3) resource needs to meet the desired target capability levels defined pursuant to the guidelines established under section 746(a) of this title; and

(4) performance of training, exercises, and operations.

(Pub. L. 109–295, title VI, § 649, Oct. 4, 2006, 120 Stat. 1428.)

§ 750. Remedial action management program

The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—

(1) analyze training, exercises, and real-world events to identify and disseminate lessons learned and best practices;

(2) generate and disseminate, as appropriate, after action reports to participants in exercises and real-world events; and

(3) conduct remedial action tracking and long-term trend analysis.

(Pub. L. 109–295, title VI, § 650, Oct. 4, 2006, 120 Stat. 1428.)

§ 751. Federal response capability inventory

(a) In general

In accordance with section 5196(h)(1)(C) of title 42, the Administrator shall accelerate the completion of the inventory of Federal response capabilities.

(b) Contents

For each Federal agency with responsibilities under the National Response Plan, the inventory shall include—

(1) for each capability—

(A) the performance parameters of the capability;

(B) the timeframe within which the capability can be brought to bear on an incident; and

(C) the readiness of the capability to respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters;

(2) a list of personnel credentialed in accordance with section 320 of this title;

(3) a list of resources typed in accordance with section 320 of this title; and

(4) emergency communications assets maintained by the Federal Government and, if appropriate, State, local, and tribal governments and the private sector.

(c) Department of Defense

The Administrator, in coordination with the Secretary of Defense, shall develop a list of organizations and functions within the Department of Defense that may be used, pursuant to the authority provided under the National Response Plan and sections 5170a, 5170b, and 5192 of title 42, to provide support to civil authorities during natural disasters, acts of terrorism, and other man-made disasters.

(d) Database

The Administrator shall establish an inventory database to allow—

(1) real-time exchange of information regarding—

(A) capabilities;

(B) readiness;

(C) the compatibility of equipment;

(D) credentialed personnel; and

(E) typed resources;

(2) easy identification and rapid deployment of capabilities, credentialed personnel, and typed resources during an incident; and

(3) the sharing of the inventory described in subsection (a) with other Federal agencies, as appropriate.

(Pub. L. 109–295, title VI, § 651, Oct. 4, 2006, 120 Stat. 1429; Pub. L. 110–53, title IV, § 405, Aug. 3, 2007, 121 Stat. 303.)

AMENDMENTS

2007—Subsec. (b). Pub. L. 110–53, § 405(1)(A), substituted “For each Federal agency with responsibilities under the National Response Plan, the inventory” for “The inventory” in introductory provisions.

Subsec. (b)(2) to (4). Pub. L. 110–53, § 405(1)(B)–(D), added pars. (2) and (3) and redesignated former par. (2) as (4).

Subsec. (d)(1). Pub. L. 110–53, § 405(2)(A), substituted “regarding—” for “regarding capabilities, readiness, or

the compatibility of equipment;" in introductory provisions and added subpars. (A) to (E).

Subsec. (d)(2). Pub. L. 110-53, §405(2)(B), inserted "of capabilities, credentialed personnel, and typed resources" after "rapid deployment".

Subsec. (d)(3). Pub. L. 110-53, §405(2)(C), substituted "the inventory described in subsection (a)" for "inventories".

§ 752. Reporting requirements

(a) Federal preparedness report

(1) In general

Not later than 12 months after October 4, 2006, and annually thereafter, the Administrator, in coordination with the heads of appropriate Federal agencies, shall submit to the appropriate committees of Congress a report on the Nation's level of preparedness for all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

(2) Contents

Each report shall include—

(A) an assessment of how Federal assistance supports the national preparedness system;

(B) the results of the comprehensive assessment carried out under section 749 of this title;

(C) a review of the inventory described in section 751 of this title, including the number and type of credentialed personnel in each category of personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster;

(D) an assessment of resource needs to meet preparedness priorities established under section 746(e) of this title, including—

(i) an estimate of the amount of Federal, State, local, and tribal expenditures required to attain the preparedness priorities; and

(ii) the extent to which the use of Federal assistance during the preceding fiscal year achieved the preparedness priorities;

(E) an evaluation of the extent to which grants administered by the Department, including grants under title XX of the Homeland Security Act of 2002 [6 U.S.C. 601 et seq.]—

(i) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

(ii) have led to the reduction of risk from natural disasters, acts of terrorism, or other man-made disasters nationally and in State, local, and tribal jurisdictions; and

(F) a discussion of whether the list of credentialed personnel of the Agency described in section 751(b)(2) of this title—

(i) complies with the strategic human capital plan developed under section 10102 of title 5; and

(ii) is sufficient to respond to a natural disaster, act of terrorism, or other man-made disaster, including a catastrophic incident.

(b) Catastrophic resource report

(1) In general

The Administrator shall develop and submit to the appropriate committees of Congress an-

nually an estimate of the resources of the Agency and other Federal agencies needed for and devoted specifically to developing the capabilities of Federal, State, local, and tribal governments necessary to respond to a catastrophic incident.

(2) Contents

Each estimate under paragraph (1) shall include the resources both necessary for and devoted to—

(A) planning;

(B) training and exercises;

(C) Regional Office enhancements;

(D) staffing, including for surge capacity during a catastrophic incident;

(E) additional logistics capabilities;

(F) other responsibilities under the catastrophic incident annex and the catastrophic incident supplement of the National Response Plan;

(G) State, local, and tribal government catastrophic incident preparedness; and

(H) covering increases in the fixed costs or expenses of the Agency, including rent or property acquisition costs or expenses, taxes, contributions to the working capital fund of the Department, and security costs for the year after the year in which such estimate is submitted.

(c) State preparedness report

(1) In general

Not later than 15 months after October 4, 2006, and annually thereafter, a State receiving Federal preparedness assistance administered by the Department shall submit a report to the Administrator on the State's level of preparedness.

(2) Contents

Each report shall include—

(A) an assessment of State compliance with the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies;

(B) an assessment of current capability levels and a description of target capability levels; and

(C) a discussion of the extent to which target capabilities identified in the applicable State homeland security plan and other applicable plans remain unmet and an assessment of resources needed to meet the preparedness priorities established under section 746(e) of this title, including—

(i) an estimate of the amount of expenditures required to attain the preparedness priorities; and

(ii) the extent to which the use of Federal assistance during the preceding fiscal year achieved the preparedness priorities.

(Pub. L. 109-295, title VI, §652, Oct. 4, 2006, 120 Stat. 1429; Pub. L. 110-53, title I, §103, title IV, §406, Aug. 3, 2007, 121 Stat. 293, 304.)

REFERENCES IN TEXT

The Homeland Security Act of 2002, referred to in subsec. (a)(2)(E), is Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135. Title XX of the Act is classified generally to subchapter XV (§601 et seq.) of chapter 1 of this title.

For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

AMENDMENTS

2007—Subsec. (a)(2)(C). Pub. L. 110-53, § 406(1), substituted “section 751 of this title, including the number and type of credentialed personnel in each category of personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster” for “section 751(a) of this title”.

Subsec. (a)(2)(E). Pub. L. 110-53, § 103(a), added subpar. (E).

Subsec. (a)(2)(F). Pub. L. 110-53, § 406(2)–(4), added subpar. (F).

Subsec. (c)(2)(C). Pub. L. 110-53, § 103(b), which directed amendment of subpar. (D) by substituting “a discussion of the extent to which target capabilities identified in the applicable State homeland security plan and other applicable plans remain unmet and an assessment of resources needed” for “an assessment of resource needs”, was executed by making the substitution in subpar. (C) to reflect the probable intent of Congress.

§ 753. Federal preparedness

(a) Agency responsibility

In support of the national preparedness system, the President shall ensure that each Federal agency with responsibilities under the National Response Plan—

(1) has the operational capability to meet the national preparedness goal, including—

(A) the personnel to make and communicate decisions;

(B) organizational structures that are assigned, trained, and exercised for the missions of the agency;

(C) sufficient physical resources; and

(D) the command, control, and communication channels to make, monitor, and communicate decisions;

(2) complies with the National Incident Management System, including credentialing of personnel and typing of resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster in accordance with section 320 of this title;

(3) develops, trains, and exercises rosters of response personnel to be deployed when the agency is called upon to support a Federal response;

(4) develops deliberate operational plans and the corresponding capabilities, including crisis planning, to respond effectively to natural disasters, acts of terrorism, and other man-made disasters in support of the National Response Plan to ensure a coordinated Federal response; and

(5) regularly updates, verifies the accuracy of, and provides to the Administrator the information in the inventory required under section 751 of this title.

(b) Operational plans

An operations plan developed under subsection (a)(4) shall meet the following requirements:

(1) The operations plan shall be coordinated under a unified system with a common terminology, approach, and framework.

(2) The operations plan shall be developed, in coordination with State, local, and tribal government officials, to address both regional and national risks.

(3) The operations plan shall contain, as appropriate, the following elements:

(A) Concepts of operations.

(B) Critical tasks and responsibilities.

(C) Detailed resource and personnel requirements, together with sourcing requirements.

(D) Specific provisions for the rapid integration of the resources and personnel of the agency into the overall response.

(4) The operations plan shall address, as appropriate, the following matters:

(A) Support of State, local, and tribal governments in conducting mass evacuations, including—

(i) transportation and relocation;

(ii) short- and long-term sheltering and accommodation;

(iii) provisions for populations with special needs, keeping families together, and expeditious location of missing children; and

(iv) policies and provisions for pets.

(B) The preparedness and deployment of public health and medical resources, including resources to address the needs of evacuees and populations with special needs.

(C) The coordination of interagency search and rescue operations, including land, water, and airborne search and rescue operations.

(D) The roles and responsibilities of the Senior Federal Law Enforcement Official with respect to other law enforcement entities.

(E) The protection of critical infrastructure.

(F) The coordination of maritime salvage efforts among relevant agencies.

(G) The coordination of Department of Defense and National Guard support of civilian authorities.

(H) To the extent practicable, the utilization of Department of Defense, National Air and Space Administration, National Oceanic and Atmospheric Administration, and commercial aircraft and satellite remotely sensed imagery.

(I) The coordination and integration of support from the private sector and non-governmental organizations.

(J) The safe disposal of debris, including hazardous materials, and, when practicable, the recycling of debris.

(K) The identification of the required surge capacity.

(L) Specific provisions for the recovery of affected geographic areas.

(c) Mission assignments

To expedite the provision of assistance under the National Response Plan, the President shall ensure that the Administrator, in coordination with Federal agencies with responsibilities under the National Response Plan, develops prescribed mission assignments, including logistics, communications, mass care, health services, and public safety.

(d) Certification

The President shall certify to the Committee on Homeland Security and Governmental Af-

fairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives on an annual basis that each Federal agency with responsibilities under the National Response Plan complies with subsections (a) and (b).

(e) Construction

Nothing in this section shall be construed to limit the authority of the Secretary of Defense with regard to—

- (1) the command, control, training, planning, equipment, exercises, or employment of Department of Defense forces; or
- (2) the allocation of Department of Defense resources.

(Pub. L. 109–295, title VI, § 653, Oct. 4, 2006, 120 Stat. 1430; Pub. L. 110–53, title IV, § 407, Aug. 3, 2007, 121 Stat. 304.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 110–53, § 407(1)(A), struck out “coordinating, primary, or supporting” before “responsibilities” in introductory provisions.

Subsec. (a)(2). Pub. L. 110–53, § 407(1)(B), inserted “, including credentialing of personnel and typing of resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster in accordance with section 320 of this title” before semicolon at end.

Subsec. (a)(5). Pub. L. 110–53, § 407(1)(C)–(E), added par. (5).

Subsec. (d). Pub. L. 110–53, § 407(2), inserted “to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives” after “certify” and struck out “coordinating, primary, or supporting” before “responsibilities”.

§ 754. Use of existing resources

In establishing the national preparedness goal and national preparedness system, the Administrator shall use existing preparedness documents, planning tools, and guidelines to the extent practicable and consistent with this Act.

(Pub. L. 109–295, title VI, § 654, Oct. 4, 2006, 120 Stat. 1432.)

REFERENCES IN TEXT

This Act, referred to in text, means title VI of Pub. L. 109–295, Oct. 4, 2006, 120 Stat. 1394, known as the Post-Katrina Emergency Management Reform Act of 2006. For complete classification of title VI to the Code, see Short Title note set out under section 701 of this title and Tables.

PART B—ADDITIONAL PREPAREDNESS

§ 761. Emergency Management Assistance Compact grants

(a) In general

The Administrator may make grants to administer the Emergency Management Assistance Compact consented to by the Joint Resolution entitled “Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact” (Public Law 104–321; 110 Stat. 3877).

(b) Uses

A grant under this section shall be used—

(1) to carry out recommendations identified in the Emergency Management Assistance Compact after-action reports for the 2004 and 2005 hurricane season;

(2) to administer compact operations on behalf of all member States and territories;

(3) to continue coordination with the Agency and appropriate Federal agencies;

(4) to continue coordination with State, local, and tribal government entities and their respective national organizations; and

(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing emergency response providers and the typing of emergency response resources.

(c) Coordination

The Administrator shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

(d) Authorization

There is authorized to be appropriated to carry out this section \$4,000,000 for fiscal year 2008. Such sums shall remain available until expended.

(Pub. L. 109–295, title VI, § 661, Oct. 4, 2006, 120 Stat. 1432.)

REFERENCES IN TEXT

The Joint Resolution entitled “Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact”, referred to in subsec. (a), is Pub. L. 104–321, Oct. 19, 1996, 110 Stat. 3877, which is not classified to the Code.

§ 762. Emergency management performance grants program

(a) Definitions

In this section—

(1) the term “program” means the emergency management performance grants program described in subsection (b); and

(2) the term “State” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) In general

The Administrator of the Federal Emergency Management Agency shall continue implementation of an emergency management performance grants program, to make grants to States to assist State, local, and tribal governments in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(c) Federal share

Except as otherwise specifically provided by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5195 et seq.], the Federal share of the cost of an activity carried out using funds made available under the program shall not exceed 50 percent.

(d) Apportionment

For fiscal year 2008, and each fiscal year thereafter, the Administrator shall apportion the

amounts appropriated to carry out the program among the States as follows:

(1) Baseline amount

The Administrator shall first apportion 0.25 percent of such amounts to each of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands and 0.75 percent of such amounts to each of the remaining States.

(2) Remainder

The Administrator shall apportion the remainder of such amounts in the ratio that—

- (A) the population of each State; bears to
- (B) the population of all States.

(e) Consistency in allocation

Notwithstanding subsection (d), in any fiscal year before fiscal year 2013 in which the appropriation for grants under this section is equal to or greater than the appropriation for emergency management performance grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out the program—

- (1) for fiscal year 2008, \$400,000,000;
- (2) for fiscal year 2009, \$535,000,000;
- (3) for fiscal year 2010, \$680,000,000;
- (4) for fiscal year 2011, \$815,000,000; and
- (5) for fiscal year 2012, \$950,000,000.

(Pub. L. 109–295, title VI, § 662, Oct. 4, 2006, 120 Stat. 1433; Pub. L. 110–53, title II, § 201, Aug. 3, 2007, 121 Stat. 294.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsecs. (b) and (c), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. Title VI of the Act is classified generally to subchapter IV–B (§5195 et seq.) of chapter 68 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

AMENDMENTS

2007—Pub. L. 110–53 amended section catchline and text generally. Prior to amendment, text read as follows: “There is authorized to be appropriated for the Emergency Management Performance Grants Program for fiscal year 2008, an amount equal to the amount appropriated for the program for fiscal year 2007 and an additional \$175,000,000.”

§ 763. Transfer of Noble Training Center

The Noble Training Center is transferred to the Center for Domestic Preparedness. The Center for Domestic Preparedness shall integrate the Noble Training Center into the program structure of the Center for Domestic Preparedness.

(Pub. L. 109–295, title VI, § 663, Oct. 4, 2006, 120 Stat. 1433.)

§ 763a. Training for Federal Government, foreign governments, or private entities

In fiscal year 2013 and thereafter: (a) the Center for Domestic Preparedness may provide

training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers; and (c) subject to (b), nothing in (a) prohibits the Center for Domestic Preparedness from providing training to employees of the Federal Emergency Management Agency in existing chemical, biological, radiological, nuclear, explosives, mass casualty, and medical surge courses pursuant to 5 U.S.C. 4103 without reimbursement for the cost of such training.

(Pub. L. 113–6, div. D, title III, Mar. 26, 2013, 127 Stat. 359.)

CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2013, and not as part of the Post-Katrina Emergency Management Reform Act of 2006 which comprises this chapter.

§ 764. National exercise simulation center

The President shall establish a national exercise simulation center that—

- (1) uses a mix of live, virtual, and constructive simulations to—

- (A) prepare elected officials, emergency managers, emergency response providers, and emergency support providers at all levels of government to operate cohesively;

- (B) provide a learning environment for the homeland security personnel of all Federal agencies;

- (C) assist in the development of operational procedures and exercises, particularly those based on catastrophic incidents; and

- (D) allow incident commanders to exercise decisionmaking in a simulated environment; and

- (2) uses modeling and simulation for training, exercises, and command and control functions at the operational level.

(Pub. L. 109–295, title VI, § 664, Oct. 4, 2006, 120 Stat. 1433.)

§ 765. Real property transactions

(a) Reports to the Armed Services Committees

The Director of the Office of Civil and Defense Mobilization, or his designee, may not enter into any of the following listed transactions by or for the use of that agency until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives:

- (1) An acquisition of fee title to any real property, if the estimated price is more than \$50,000.

(2) A lease of any real property to the United States, if the estimated annual rental is more than \$50,000.

(3) A lease of real property owned by the United States, if the estimated annual rental is more than \$50,000.

(4) A transfer of real property owned by the United States to another Federal agency or to a State, if the estimated value is more than \$50,000.

(5) A report of excess real property owned by the United States to a disposal agency, if the estimated value is more than \$50,000.

If a transaction covered by clause (1) or (2) is part of a project, the report must include a summarization of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made.

(b) Annual reports to Armed Services Committees

The Director of the Office of Civil and Defense Mobilization shall report annually to the Committees on Armed Services of the Senate and the House of Representatives on transactions described in subsection (a) that involve an estimated value of more than \$5,000 but not more than \$50,000.

(c) Real property governed by this section

This section applies only to real property in the States of the Union, the District of Columbia, and Puerto Rico. It does not apply to real property for river and harbor projects or flood-control projects, or to leases of Government-owned real property for agricultural or grazing purposes.

(d) Recital of compliance in instrument of conveyance as conclusive

A statement in an instrument of conveyance, including a lease, that the requirements of this section have been met, or that the conveyance is not subject to this section, is conclusive.

(Aug. 10, 1956, ch. 1041, § 43, 70A Stat. 636; Pub. L. 86-70, § 37, June 25, 1959, 73 Stat. 150; Pub. L. 86-500, title V, § 512, June 8, 1960, 74 Stat. 187; Pub. L. 86-624, § 38, June 12, 1960, 74 Stat. 421; Pub. L. 96-470, title II, § 202(c), Oct. 19, 1980, 94 Stat. 2242.)

CODIFICATION

Section was formerly classified to section 2285 of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as this section.

Prior to classification as section 2285, section was formerly classified to section 171x of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Section was enacted as a part of act Aug. 10, 1956, ch. 1041, and not as part of the Post-Katrina Emergency Management Reform Act of 2006 which comprises this chapter.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-470 substituted “annually” for “quarterly”.

1960—Subsec. (a). Pub. L. 86-500 substituted “Director of the Office of Civil and Defense Mobilization” for “Administrator of the Federal Civil Defense Administration”, prohibited the Director from entering into

any of the transactions listed in subsec. (a) until after the expiration of 30 days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives, and increased the amounts in cls. (1) to (5) from \$25,000 to \$50,000.

Subsec. (b). Pub. L. 86-500 substituted “Director of the Office of Civil and Defense Mobilization” for “Administrator” and “\$50,000” for “\$25,000”.

Subsec. (c). Pub. L. 86-624 substituted “States of the Union, the District of Columbia” for “United States, Hawaii.”

Pub. L. 86-500 struck out “, Hawaii,” after “United States”.

Subsec. (d). Pub. L. 86-500 reenacted subsection without change.

1959—Subsec. (c). Pub. L. 86-70 struck out “Alaska,” after “United States.”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under 50 U.S.C. app. 2285(b) (now subsec. (b) of this section) is listed as the 10th item on page 169), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

TRANSFER OF FUNCTIONS

Functions of Federal Civil Defense Administration transferred to President by section 1 of Reorg. Plan No. 1 of 1958, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799, as amended, set out as a note under section 5195 of Title 42, The Public Health and Welfare. The Plan created a new agency in Executive Office of President known as Office of Defense and Civilian Mobilization.

Pub. L. 85-763, Aug. 26, 1958, 72 Stat. 861, amended Reorg. Plan No. 1 of 1958 by redesignating Office of Defense and Civilian Mobilization as Office of Civil and Defense Mobilization.

Pub. L. 87-296, Sept. 22, 1961, 75 Stat. 630, amended Reorg. Plan No. 1 of 1958 by redesignating Office of Civil and Defense Mobilization as Office of Emergency Planning.

Office of Emergency Planning renamed Office of Emergency Preparedness pursuant to section 402 of Pub. L. 90-608, Oct. 21, 1968, 82 Stat. 1194, which provided that references to Office of Emergency Planning after Oct. 21, 1968, should be deemed references to Office of Emergency Preparedness.

Office of Emergency Preparedness, including offices of Director, Deputy Director, Assistant Directors, and Regional Directors, abolished and functions vested by law in Office of Emergency Preparedness or Director of Office of Emergency Preparedness transferred to President by sections 1 and 3(a)(1) of Reorg. Plan No. 1 of 1973, eff. July 1, 1973, 38 F.R. 9579, 87 Stat. 1089, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

Functions vested in Director of Office of Emergency Preparedness as of June 30, 1973, by Executive Order, proclamation, or other directive issued by or on behalf of President or otherwise, with certain exceptions, transferred to Administrator of General Services, effective July 1, 1973, by Ex. Ord. No. 11725, § 3, eff. June 29, 1973, 38 F.R. 17175, formerly set out as a note under section 2271 of the former Appendix to Title 50, War and National Defense.

Functions of Administrator of Federal Civil Defense Administration under this section, previously transferred to President, delegated to Director of Federal Emergency Management Agency by section 4-105 of Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43242, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including

the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of this title.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of this title, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of this title.

PART C—MISCELLANEOUS AUTHORITIES

§ 771. National Disaster Recovery Strategy

(a) In general

The Administrator, in coordination with the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of Transportation, the Administrator of the Small Business Administration, the Assistant Secretary for Indian Affairs of the Department of the Interior, and the heads of other appropriate Federal agencies, State, local, and tribal government officials (including through the National Advisory Council), and representatives of appropriate nongovernmental organizations shall develop, coordinate, and maintain a National Disaster Recovery Strategy to serve as a guide to recovery efforts after major disasters and emergencies.

(b) Contents

The National Disaster Recovery Strategy shall—

(1) outline the most efficient and cost-effective Federal programs that will meet the recovery needs of States, local and tribal governments, and individuals and households affected by a major disaster;

(2) clearly define the role, programs, authorities, and responsibilities of each Federal agency that may be of assistance in providing assistance in the recovery from a major disaster;

(3) promote the use of the most appropriate and cost-effective building materials (based on the hazards present in an area) in any area affected by a major disaster, with the goal of encouraging the construction of disaster-resistant buildings; and

(4) describe in detail the programs that may be offered by the agencies described in paragraph (2), including—

(A) discussing funding issues;

(B) detailing how responsibilities under the National Disaster Recovery Strategy will be shared; and

(C) addressing other matters concerning the cooperative effort to provide recovery assistance.

(c) Report

(1) In general

Not later than 270 days after October 4, 2006, the Administrator shall submit to the appropriate committees of Congress a report de-

scribing in detail the National Disaster Recovery Strategy and any additional authorities necessary to implement any portion of the National Disaster Recovery Strategy.

(2) Update

The Administrator shall submit to the appropriate committees of Congress a report updating the report submitted under paragraph (1)—

(A) on the same date that any change is made to the National Disaster Recovery Strategy; and

(B) on a periodic basis after the submission of the report under paragraph (1), but not less than once every 5 years after the date of the submission of the report under paragraph (1).

(Pub. L. 109-295, title VI, §682, Oct. 4, 2006, 120 Stat. 1445.)

§ 772. National Disaster Housing Strategy

(a) In general

The Administrator, in coordination with representatives of the Federal agencies, governments, and organizations listed in subsection (b)(2) of this section, the National Advisory Council, the National Council on Disability, and other entities at the Administrator's discretion, shall develop, coordinate, and maintain a National Disaster Housing Strategy.

(b) Contents

The National Disaster Housing Strategy shall—

(1) outline the most efficient and cost effective Federal programs that will best meet the short-term and long-term housing needs of individuals and households affected by a major disaster;

(2) clearly define the role, programs, authorities, and responsibilities of each entity in providing housing assistance in the event of a major disaster, including—

(A) the Agency;

(B) the Department of Housing and Urban Development;

(C) the Department of Agriculture;

(D) the Department of Veterans Affairs;

(E) the Department of Health and Human Services;

(F) the Bureau of Indian Affairs;

(G) any other Federal agency that may provide housing assistance in the event of a major disaster;

(H) the American Red Cross; and

(I) State, local, and tribal governments;

(3) describe in detail the programs that may be offered by the entities described in paragraph (2), including—

(A) outlining any funding issues;

(B) detailing how responsibilities under the National Disaster Housing Strategy will be shared; and

(C) addressing other matters concerning the cooperative effort to provide housing assistance during a major disaster;

(4) consider methods through which housing assistance can be provided to individuals and households where employment and other resources for living are available;

(5) describe programs directed to meet the needs of special needs and low-income populations and ensure that a sufficient number of housing units are provided for individuals with disabilities;

(6) describe plans for the operation of clusters of housing provided to individuals and households, including access to public services, site management, security, and site density;

(7) describe plans for promoting the repair or rehabilitation of existing rental housing, including through lease agreements or other means, in order to improve the provision of housing to individuals and households under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(8) describe any additional authorities necessary to carry out any portion of the strategy.

(c) Guidance

The Administrator should develop and make publicly available guidance on—

(1) types of housing assistance available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to individuals and households affected by an emergency or major disaster;

(2) eligibility for such assistance (including, where appropriate, the continuation of such assistance); and

(3) application procedures for such assistance.

(d) Report

(1) In general

Not later than 270 days after October 4, 2006, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the National Disaster Housing Strategy, including programs directed to meeting the needs of special needs populations.

(2) Updated report

The Administrator shall submit to the appropriate committees of Congress a report updating the report submitted under paragraph (1)—

(A) on the same date that any change is made to the National Disaster Housing Strategy; and

(B) on a periodic basis after the submission of the report under paragraph (1), but not less than once every 5 years after the date of the submission of the report under paragraph (1).

(Pub. L. 109-295, title VI, §683, Oct. 4, 2006, 120 Stat. 1446.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (c)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

§ 773. Individuals with disabilities guidelines

Not later than 90 days after October 4, 2006, and in coordination with the National Advisory Council, the National Council on Disability, the Interagency Coordinating Council on Preparedness and Individuals With Disabilities established under Executive Order No. 13347, and the Disability Coordinator (established under section 321b of this title), the Administrator shall develop guidelines to accommodate individuals with disabilities, which shall include guidelines for—

(1) the accessibility of, and communications and programs in, shelters, recovery centers, and other facilities; and

(2) devices used in connection with disaster operations, including first aid stations, mass feeding areas, portable payphone stations, portable toilets, and temporary housing.

(Pub. L. 109-295, title VI, §689(a), Oct. 4, 2006, 120 Stat. 1448.)

REFERENCES IN TEXT

Executive Order No. 13347, referred to in text, is set out as a note under section 314 of this title.

§ 774. Reunification

(a) Definitions

In this section:

(1) Child Locator Center

The term “Child Locator Center” means the National Emergency Child Locator Center established under subsection (b).

(2) Declared event

The term “declared event” means a major disaster or emergency.

(3) Displaced adult

The term “displaced adult” means an individual 21 years of age or older who is displaced from the habitual residence of that individual as a result of a declared event.

(4) Displaced child

The term “displaced child” means an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of a declared event.

(b) National Emergency Child Locator Center

(1) In general

Not later than 180 days after October 4, 2006, the Administrator, in coordination with the Attorney General of the United States, shall establish within the National Center for Missing and Exploited Children the National Emergency Child Locator Center. In establishing the National Emergency Child Locator Center, the Administrator shall establish procedures to make all relevant information available to the National Emergency Child Locator Center in a timely manner to facilitate the expeditious identification and reunification of children with their families.

(2) Purposes

The purposes of the Child Locator Center are to—

(A) enable individuals to provide to the Child Locator Center the name of and other

identifying information about a displaced child or a displaced adult who may have information about the location of a displaced child;

(B) enable individuals to receive information about other sources of information about displaced children and displaced adults; and

(C) assist law enforcement in locating displaced children.

(3) Responsibilities and duties

The responsibilities and duties of the Child Locator Center are to—

(A) establish a toll-free telephone number to receive reports of displaced children and information about displaced adults that may assist in locating displaced children;

(B) create a website to provide information about displaced children;

(C) deploy its staff to the location of a declared event to gather information about displaced children;

(D) assist in the reunification of displaced children with their families;

(E) provide information to the public about additional resources for disaster assistance;

(F) work in partnership with Federal, State, and local law enforcement agencies;

(G) provide technical assistance in locating displaced children;

(H) share information on displaced children and displaced adults with governmental agencies and nongovernmental organizations providing disaster assistance;

(I) use its resources to gather information about displaced children;

(J) refer reports of displaced adults to—

(i) an entity designated by the Attorney General to provide technical assistance in locating displaced adults; and

(ii) the National Emergency Family Registry and Locator System as defined under section 775(a) of this title;

(K) enter into cooperative agreements with Federal and State agencies and other organizations such as the American Red Cross as necessary to implement the mission of the Child Locator Center; and

(L) develop an emergency response plan to prepare for the activation of the Child Locator Center.

(c) Omitted

(d) Report

Not later than 270 days after October 4, 2006, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Transportation and Infrastructure and the Committee on the Judiciary of the House of Representatives a report describing in detail the status of the Child Locator Center, including funding issues and any difficulties or issues in establishing the Center or completing the cooperative agreements described in subsection (b)(3)(K).

(Pub. L. 109-295, title VI, § 689b, Oct. 4, 2006, 120 Stat. 1449.)

CODIFICATION

Section is comprised of section 689b of Pub. L. 109-295. Subsec. (c) of section 689b of Pub. L. 109-295 amended section 5772 of Title 42, The Public Health and Welfare.

§ 775. National Emergency Family Registry and Locator System

(a) Definitions

In this section—

(1) the term “displaced individual” means an individual displaced by an emergency or major disaster; and

(2) the term “National Emergency Family Registry and Locator System” means the National Emergency Family Registry and Locator System established under subsection (b).

(b) Establishment

Not later than 180 days after October 4, 2006, the Administrator shall establish a National Emergency Family Registry and Locator System to help reunify families separated after an emergency or major disaster.

(c) Operation of System

The National Emergency Family Registry and Locator System shall—

(1) allow a displaced adult (including medical patients) to voluntarily register (and allow an adult that is the parent or guardian of a displaced child to register such child), by submitting personal information to be entered into a database (such as the name, current location of residence, and any other relevant information that could be used by others seeking to locate that individual);

(2) ensure that information submitted under paragraph (1) is accessible to those individuals named by a displaced individual and to those law enforcement officials;

(3) be accessible through the Internet and through a toll-free number, to receive reports of displaced individuals; and

(4) include a means of referring displaced children to the National Emergency Child Locator Center established under section 774 of this title.

(d) Publication of information

Not later than 210 days after October 4, 2006, the Administrator shall establish a mechanism to inform the public about the National Emergency Family Registry and Locator System and its potential usefulness for assisting to reunite displaced individuals with their families.

(e) Coordination

Not later than 90 days after October 4, 2006, the Administrator shall enter a memorandum of understanding with the Department of Justice, the National Center for Missing and Exploited Children, the Department of Health and Human Services, and the American Red Cross and other relevant private organizations that will enhance the sharing of information to facilitate reuniting displaced individuals (including medical patients) with their families.

(f) Report

Not later than 270 days after October 4, 2006, the Administrator shall submit to the appropriate committees of Congress a report describ-

ing in detail the status of the National Emergency Family Registry and Locator System, including any difficulties or issues in establishing the System, including funding issues.

(Pub. L. 109-295, title VI, § 689c, Oct. 4, 2006, 120 Stat. 1451.)

§ 776. Individuals and households pilot program

(a) Pilot program

(1) In general

The President, acting through the Administrator, in coordination with State, local, and tribal governments, shall establish and conduct a pilot program. The pilot program shall be designed to make better use of existing rental housing, located in areas covered by a major disaster declaration, in order to provide timely and cost-effective temporary housing assistance to individuals and households eligible for assistance under section 5174 of title 42 where alternative housing options are less available or less cost-effective.

(2) Administration

(A) In general

For the purposes of the pilot program under this section, the Administrator may—

- (i) enter into lease agreements with owners of multi-family rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under section 5174 of title 42;
- (ii) make improvements to properties under such lease agreements;
- (iii) use the pilot program where the program is cost effective in that the cost to the Government for the lease agreements is in proportion to the savings to the Government by not providing alternative housing; and
- (iv) limit repairs to those required to ensure that the housing units shall meet Federal housing quality standards.

(B) Improvements to leased properties

Under the terms of any lease agreement for a property described under subparagraph (A)(ii), the value of the contribution of the Agency to such improvements—

- (i) shall be deducted from the value of the lease agreement; and
- (ii) may not exceed the value of the lease agreement.

(3) Consultation

In administering the pilot program under this section, the Administrator may consult with State, local, and tribal governments.

(4) Report

(A) In general

Not later than March 31, 2009, the Administrator shall submit to the appropriate committees of Congress a report regarding the effectiveness of the pilot program.

(B) Contents

The Administrator shall include in the report—

- (i) an assessment of the effectiveness of the pilot program under this section, in-

cluding an assessment of cost-savings to the Federal Government and any benefits to individuals and households eligible for assistance under section 5174 of title 42 under the pilot program;

(ii) findings and conclusions of the Administrator with respect to the pilot program;

(iii) an assessment of additional authorities needed to aid the Agency in its mission of providing disaster housing assistance to individuals and households eligible for assistance under section 5174 of title 42, either under the pilot program under this section or other potential housing programs; and

(iv) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.

(b) Pilot program project approval

The Administrator shall not approve a project under the pilot program after December 31, 2008.

(Pub. L. 109-295, title VI, § 689i, Oct. 4, 2006, 120 Stat. 1454.)

§ 777. Public assistance pilot program

(a) Pilot program

(1) In general

The President, acting through the Administrator, and in coordination with State and local governments, shall establish and conduct a pilot program to—

- (A) reduce the costs to the Federal Government of providing assistance to States and local governments under sections 5170b(a)(3)(A), 5172, and 5173 of title 42;
- (B) increase flexibility in the administration of sections 5170b(a)(3)(A), 5172, and 5173 of title 42; and
- (C) expedite the provision of assistance to States and local governments provided under sections 5170b(a)(3)(A), 5172, and 5173 of title 42.

(2) Participation

Only States and local governments that elect to participate in the pilot program may participate in the pilot program for a particular project.

(3) Innovative administration

(A) In general

For purposes of the pilot program, the Administrator shall establish new procedures to administer assistance provided under the sections referred to in paragraph (1).

(B) New procedures

The new procedures established under subparagraph (A) may include 1 or more of the following:

- (i) Notwithstanding section 5172(c)(1)(A) of title 42, providing an option for a State or local government to elect to receive an in-lieu contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the

State or local government and of management expenses.

(ii) Making grants on the basis of estimates agreed to by the local government (or where no local government is involved, by the State government) and the Administrator to provide financial incentives and disincentives for the local government (or where no local government is involved, for the State government) for the timely or cost effective completion of projects under sections 5170b(a)(3)(A), 5172, and 5173 of title 42.

(iii) Increasing the Federal share for removal of debris and wreckage for States and local governments that have a debris management plan approved by the Administrator and have pre-qualified 1 or more debris and wreckage removal contractors before the date of declaration of the major disaster.

(iv) Using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal.

(v) Using a financial incentive to recycle debris.

(vi) Reimbursing base wages for employees and extra hires of a State or local government involved in or administering debris and wreckage removal.

(4) Waiver

The Administrator may waive such regulations or rules applicable to the provisions of assistance under the sections referred to in paragraph (1) as the Administrator determines are necessary to carry out the pilot program under this section.

(b) Report

(1) In general

Not later than March 31, 2009, the Administrator shall submit to the appropriate committees of Congress a report regarding the effectiveness of the pilot program under this section.

(2) Contents

The report submitted under paragraph (1) shall include—

(A) an assessment by the Administrator of any administrative or financial benefits of the pilot program;

(B) an assessment by the Administrator of the effect, including any savings in time and cost, of the pilot program;

(C) any identified legal or other obstacles to increasing the amount of debris recycled after a major disaster;

(D) any other findings and conclusions of the Administrator with respect to the pilot program; and

(E) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.

(c) Deadline for initiation of implementation

The Administrator shall initiate implementation of the pilot program under this section not later than 90 days after October 4, 2006.

(d) Pilot program project duration

The Administrator may not approve a project under the pilot program under this section after December 31, 2008.

(Pub. L. 109–295, title VI, § 689j, Oct. 4, 2006, 120 Stat. 1455.)

PART D—PREVENTION OF FRAUD, WASTE, AND ABUSE

§ 791. Advance contracting

(a) Initial report

(1) In general

Not later than 180 days after October 4, 2006, the Administrator shall submit a report under paragraph (2) identifying—

(A) recurring disaster response requirements, including specific goods and services, for which the Agency is capable of contracting for in advance of a natural disaster or act of terrorism or other man-made disaster in a cost effective manner;

(B) recurring disaster response requirements, including specific goods and services, for which the Agency can not contract in advance of a natural disaster or act of terrorism or other man-made disaster in a cost effective manner; and

(C) a contracting strategy that maximizes the use of advance contracts to the extent practical and cost-effective.

(2) Submission

The report under paragraph (1) shall be submitted to the appropriate committees of Congress.

(b) Entering into contracts

(1) In general

Not later than 1 year after October 4, 2006, the Administrator shall enter into 1 or more contracts for each type of goods or services identified under subsection (a)(1)(A), and in accordance with the contracting strategy identified in subsection (a)(1)(C). Any contract for goods or services identified in subsection (a)(1)(A) previously awarded may be maintained in fulfilling this requirement.

(2) Considered factors

Before entering into any contract under this subsection, the Administrator shall consider section 5150 of title 42.

(3) Prenegotiated Federal contracts for goods and services

The Administrator, in coordination with State and local governments and other Federal agencies, shall establish a process to ensure that Federal prenegotiated contracts for goods and services are coordinated with State and local governments, as appropriate.

(4) Prenegotiated State and local contracts for goods and services

The Administrator shall encourage State and local governments to establish prenegotiated contracts with vendors for goods and services in advance of natural disasters and acts of terrorism or other man-made disasters.

(c) Maintenance of contracts

After the date described under subsection (b), the Administrator shall have the responsibility to maintain contracts for appropriate levels of goods and services in accordance with subsection (a)(1)(C).

(d) Report on contracts not using competitive procedures

At the end of each fiscal quarter, beginning with the first fiscal quarter occurring at least 90 days after October 4, 2006, the Administrator shall submit a report on each disaster assistance contract entered into by the Agency by other than competitive procedures to the appropriate committees of Congress.

(Pub. L. 109-295, title VI, § 691, Oct. 4, 2006, 120 Stat. 1457.)

§ 792. Limitations on tiering of subcontractors**(a) Regulations**

The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors to perform the principal work of the contract.

(b) Specific requirement

At a minimum, the regulations promulgated under subsection (a) shall preclude a contractor from using subcontracts for more than 65 percent of the cost of the contract or the cost of any individual task or delivery order (not including overhead and profit), unless the Secretary determines that such requirement is not feasible or practicable.

(c) Covered contracts

This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 134 of title 41) entered into by the Department to facilitate response to or recovery from a natural disaster or act of terrorism or other man-made disaster. (Pub. L. 109-295, title VI, § 692, Oct. 4, 2006, 120 Stat. 1458.)

CODIFICATION

In subsec. (c), “section 134 of title 41” substituted for “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 793. Oversight and accountability of Federal disaster expenditures**(a) Authority of Administrator to designate funds for oversight activities**

The Administrator may designate up to 1 percent of the total amount provided to a Federal agency for a mission assignment as oversight funds to be used by the recipient agency for performing oversight of activities carried out under the Agency reimbursable mission assignment process. Such funds shall remain available until expended.

(b) Use of funds**(1) Types of oversight activities**

Oversight funds may be used for the following types of oversight activities related to Agency mission assignments:

(A) Monitoring, tracking, and auditing expenditures of funds.

(B) Ensuring that sufficient management and internal control mechanisms are available so that Agency funds are spent appropriately and in accordance with all applicable laws and regulations.

(C) Reviewing selected contracts and other activities.

(D) Investigating allegations of fraud involving Agency funds.

(E) Conducting and participating in fraud prevention activities with other Federal, State, and local government personnel and contractors.

(2) Plans and reports

Oversight funds may be used to issue the plans required under subsection (e) and the reports required under subsection (f).

(c) Restriction on use of funds

Oversight funds may not be used to finance existing agency oversight responsibilities related to direct agency appropriations used for disaster response, relief, and recovery activities.

(d) Methods of oversight activities**(1) In general**

Oversight activities may be carried out by an agency under this section either directly or by contract. Such activities may include evaluations and financial and performance audits.

(2) Coordination of oversight activities

To the extent practicable, evaluations and audits under this section shall be performed by the inspector general of the agency.

(e) Development of oversight plans**(1) In general**

If an agency receives oversight funds for a fiscal year, the head of the agency shall prepare a plan describing the oversight activities for disaster response, relief, and recovery anticipated to be undertaken during the subsequent fiscal year.

(2) Selection of oversight activities

In preparing the plan, the head of the agency shall select oversight activities based upon a risk assessment of those areas that present the greatest risk of fraud, waste, and abuse.

(3) Schedule

The plan shall include a schedule for conducting oversight activities, including anticipated dates of completion.

(f) Federal disaster assistance accountability reports

A Federal agency receiving oversight funds under this section shall submit annually to the Administrator and the appropriate committees of Congress a consolidated report regarding the use of such funds, including information summarizing oversight activities and the results achieved.

(g) Definition

In this section, the term “oversight funds” means funds referred to in subsection (a) that are designated for use in performing oversight activities.

(Pub. L. 109–295, title VI, § 693, Oct. 4, 2006, 120 Stat. 1458.)

§ 794. Limitation on length of certain non-competitive contracts

(a) Regulations

The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to restrict the contract period of any such contract entered into using procedures other than competitive procedures pursuant to the exception provided in paragraph (2) of section 3304(a) of title 41 to the minimum contract period necessary—

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) Specific contract period

The regulations promulgated under subsection (a) shall require the contract period to not to exceed¹ 150 days, unless the Secretary determines that exceptional circumstances apply.

(c) Covered contracts

This section applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 134 of title 41) entered into by the Department to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster.

(Pub. L. 109–295, title VI, § 695, Oct. 4, 2006, 120 Stat. 1460.)

CODIFICATION

In subsec. (a), “paragraph (2) of section 3304(a) of title 41” substituted for “paragraph (2) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c))” on authority of Pub. L. 111–350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (c), “section 134 of title 41” substituted for “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” on authority of Pub. L. 111–350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 795. Fraud, waste, and abuse controls

(a) In general

The Administrator shall ensure that—

(1) all programs within the Agency administering Federal disaster relief assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse;

(2) application databases used by the Agency to collect information on eligible recipients must record disbursements;

(3) such tracking is designed to highlight and identify ineligible applications; and

(4) the databases used to collect information from applications for such assistance must be integrated with disbursements and payment records.

(b) Audits and reviews required

The Administrator shall ensure that any database or similar application processing system

for Federal disaster relief assistance programs administered by the Agency undergoes a review by the Inspector General of the Agency to determine the existence and implementation of such internal controls required under this section and the amendments made by this section.

(Pub. L. 109–295, title VI, § 696, Oct. 4, 2006, 120 Stat. 1460.)

REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (b), see Codification note below.

CODIFICATION

Section is comprised of section 696 of Pub. L. 109–295. Subsec. (c) of section 696 of Pub. L. 109–295 amended section 5174 of Title 42, The Public Health and Welfare.

§ 796. Registry of disaster response contractors

(a) Definitions

In this section—

(1) the term “registry” means the registry created under subsection (b); and

(2) the terms “small business concern”, “small business concern owned and controlled by socially and economically disadvantaged individuals”, “small business concern owned and controlled by women”, and “small business concern owned and controlled by service-disabled veterans” have the meanings given those terms under the Small Business Act (15 U.S.C. 631 et seq.).

(b) Registry

(1) In general

The Administrator shall establish and maintain a registry of contractors who are willing to perform debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities.

(2) Contents

The registry shall include, for each business concern—

(A) the name of the business concern;

(B) the location of the business concern;

(C) the area served by the business concern;

(D) the type of good or service provided by the business concern;

(E) the bonding level of the business concern; and

(F) whether the business concern is—

(i) a small business concern;

(ii) a small business concern owned and controlled by socially and economically disadvantaged individuals;

(iii) a small business concern owned and controlled by women; or

(iv) a small business concern owned and controlled by service-disabled veterans.

(3) Source of information

(A) Submission

Information maintained in the registry shall be submitted on a voluntary basis and be kept current by the submitting business concerns.

(B) Attestation

Each business concern submitting information to the registry shall submit—

¹ So in original. Probably should be “period not to exceed”.

- (i) an attestation that the information is true; and
- (ii) documentation supporting such attestation.

(C) Verification

The Administrator shall verify that the documentation submitted by each business concern supports the information submitted by that business concern.

(4) Availability of registry

The registry shall be made generally available on the Internet site of the Agency.

(5) Consultation of registry

As part of the acquisition planning for contracting for debris removal, distribution of supplies in a disaster, reconstruction, and other disaster or emergency relief activities, a Federal agency shall consult the registry.

(Pub. L. 109–295, title VI, § 697, Oct. 4, 2006, 120 Stat. 1461.)

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (a)(2), is Pub. L. 85–536, § 2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§ 631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

§ 797. Fraud prevention training program

The Administrator shall develop and implement a program to provide training on the prevention of waste, fraud, and abuse of Federal disaster relief assistance relating to the response to or recovery from natural disasters and acts of terrorism or other man-made disasters and ways to identify such potential waste, fraud, and abuse.

(Pub. L. 109–295, title VI, § 698, Oct. 4, 2006, 120 Stat. 1462.)

PART E—AUTHORIZATION OF APPROPRIATIONS

§ 811. Authorization of appropriations

There are authorized to be appropriated to carry out this title¹ and the amendments made by this title for the administration and operations of the Agency—

(1) for fiscal year 2008, an amount equal to the amount appropriated for fiscal year 2007 for administration and operations of the Agency, multiplied by 1.1;

(2) for fiscal year 2009, an amount equal to the amount described in paragraph (1), multiplied by 1.1; and

(3) for fiscal year 2010, an amount equal to the amount described in paragraph (2), multiplied by 1.1.

(Pub. L. 109–295, title VI, § 699, Oct. 4, 2006, 120 Stat. 1462.)

REFERENCES IN TEXT

This title, referred to in text, is title VI of Pub. L. 109–295, Oct. 4, 2006, 120 Stat. 1355, known as the Post-Katrina Emergency Management Reform Act of 2006. For complete classification of title VI to the Code, see

Short Title note set out under section 701 of this title and Tables.

CHAPTER 3—SECURITY AND ACCOUNTABILITY FOR EVERY PORT

Sec.

901. Definitions.

SUBCHAPTER I—SECURITY OF UNITED STATES SEAPORTS

PART A—PORT SECURITY GRANTS; TRAINING AND EXERCISE PROGRAMS

911. Repealed.

912. Port Security Exercise Program.

913. Facility exercise requirements.

PART B—PORT OPERATIONS

921. Domestic radiation detection and imaging.

921a. Integration of detection equipment and technologies.

922. Inspection of car ferries entering from abroad.

923. Random searches of containers.

924. Threat assessment screening of port truck drivers.

925. Border Patrol unit for United States Virgin Islands.

926. Center of Excellence for Maritime Domain Awareness.

SUBCHAPTER II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

PART A—GENERAL PROVISIONS

941. Strategic plan to enhance the security of the international supply chain.

942. Post-incident resumption of trade.

943. Automated Targeting System.

944. Container security standards and procedures.

945. Container Security Initiative.

PART B—CUSTOMS—TRADE PARTNERSHIP AGAINST TERRORISM

961. Establishment.

962. Eligible entities.

963. Minimum requirements.

964. Tier 1 participants in C-TPAT.

965. Tier 2 participants in C-TPAT.

966. Tier 3 participants in C-TPAT.

967. Consequences for lack of compliance.

968. Third party validations.

969. Revalidation.

970. Noncontainerized cargo.

971. C-TPAT program management.

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PART C—MISCELLANEOUS PROVISIONS

981. Pilot integrated scanning system.

981a. Pilot integrated scanning system.

982. Screening and scanning of cargo containers.

983. Inspection technology and training.

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985. Information sharing relating to supply chain security cooperation.

SUBCHAPTER III—ADMINISTRATION

1001. Designation of liaison office of Department of State.

1002. Homeland Security Science and Technology Advisory Committee.

1003. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.

§ 901. Definitions

In this Act:

¹ See References in Text note below.